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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Martel Alvarez-Chavez,
Defendant.

CR-92-00113-001-PHX-NVW

**GOVERNMENT'S SUPPLEMENTAL
NOTICE OF NON-OPPOSITION TO
DEFENDANT'S MOTION FOR
COMPASSIONATE RELEASE**

The government hereby supplements its response to defendant's motion for compassionate release (doc. 425). The government filed its response on February 13, 2020. Since then, as the Court is well aware, the world has changed dramatically. In light of the worsening COVID-19 pandemic, and in consideration of COVID's potential impact on the defendant given his chronic illnesses, the government no longer opposes defendant's motion for compassionate release.

Specifically, the government agrees that, based on current guidance from the CDC, the defendant's chronic illnesses place him at high risk for severe illness from COVID-19 and, thus, defendant has demonstrated an extraordinary and compelling reason warranting a reduction in his sentence under 18 U.S.C. § 3582(c)(1)(A). The defendant's good behavior during his nearly 30 years in prison suggests that he does not pose a significant danger to the public. And the government believes any potential safety risk can be reduced

1 through appropriate conditions during his ten-year term of supervised release. It is
2 anticipated that the defendant will be immediately turned over to immigration authorities
3 and removed to Mexico upon his release from BOP; in that case, he will be prohibited by
4 law and the conditions of his supervised release from returning to the United States. If the
5 defendant is allowed to remain in the United States for some time, the Court can consider
6 whether to impose additional conditions of supervised release to address any safety risk,
7 including but not limited to a term of home incarceration or confinement and a condition
8 allowing for the warrantless search of his residence. Any immediate public health-related
9 risk posed by his release can be mitigated through a 14-day quarantine period before his
10 release from BOP and a condition requiring him to comply with all COVID-related public
11 health orders while on supervised release.

12 In sum, given the dramatically changed circumstances, the government no longer
13 opposes the defendant's motion for compassionate release, subject to the conditions
14 specified in the proposed order provided herewith. Defense counsel has reviewed this
15 filing and the proposed order and confirmed the defendant agrees with the terms and
16 conditions of the proposed order.

17 Respectfully submitted this 10th day of July, 2020.

18 MICHAEL BAILEY
19 United States Attorney
District of Arizona

20 s/ Seth T. Goertz
21 SETH T. GOERTZ
22 Assistant U.S. Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2020, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following CM/ECF registrants:

Elena M. Kay
Deirdre M. Mokos

By s/E. Minster
U.S. Attorney's Office